

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

SALAAM RAHMAN RAHEEM,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-09-80-C
)	
DAVID MILLER, et al.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This civil rights action, brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Robert E. Bacharach, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Bacharach entered a Report and Recommendation on June 11, 2010, to which Defendants have timely objected. The Court therefore considers the matter de novo.

The facts and relevant law are set out in full in the accurate and well-reasoned opinion of the Magistrate Judge and no point would be served in repeating that analysis. There is nothing asserted by the Defendants which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require a different result.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, the Court grants summary judgment

to Defendants Miller, Halvorson, Stouffer, and Carns on the Section 1983 claims for deliberate indifference to medical needs, and to Defendants Miller and Tinker for violation of the First Amendment for denial of a halaal/kosher diet. Summary judgment is also granted to Defendants Miller and Tinker in their individual capacities on the Religious Land Use and Institutionalized Persons Act (“RLUIPA”) claim.

The motion is denied on the official capacity claim under RLUIPA; the RLUIPA claim for compensatory damages unrelated to emotional distress; the Plaintiff’s negligence claim; and the prayer for punitive damages on the retaliation claim. The remaining RLUIPA claim is disallowed for recovery of damages for emotional distress. The cause of action under the Oklahoma Religious Freedom Act or issues involving liability on the retaliation claim also remain. This matter is referred to Judge Bacharach for pretrial proceedings. A judgment will enter at the conclusion of the case.

IT IS SO ORDERED this 23rd day of June, 2010.


ROBIN J. CAUTHRON
United States District Judge